NTSB Order No. EA-5765

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. § 800.24) on the 13th day of January, 2016

)	
MICHAEL P. HUERTA,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-19510
v.)	
)	
JOHN DOE,)	
)	
Respondent.)	
)	
)	

ORDER DENYING MOTION TO RE-OPEN RECORD

On January 16, 2014, the Board issued an Opinion and Order disposing of the respondent's appeal in Docket SE-19510, NTSB Order No. EA-5697. On October 5, 2015, respondent filed a Motion to Re-open Case in Order to Grant Respondent John Doe Status. The Administrator did not respond to respondent's motion.

The Board's Rules of Practice do not permit the "reopening" of cases. Instead, parties may file a petition for rehearing, reargument, reconsideration, or *modification* of a Board order. Parties must serve such a petition within 30 days after the date of service of the Board's order on appeal from the law judge's initial decision or order. 49 C.F.R. § 821.50(b). Respondent did not petition for modification of the Board's existing order, to re-name the case.

Opinions and Orders the Board issues, as well as decisions disposing of petitions under

§ 821.50 of the Board's Rules of Practice, are final agency decisions. Title 5 U.S.C. § 552(a) requires agencies to "make available for public inspection and copying ... final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases." As a result, NTSB Order No. EA-5697 must remain available to the public.¹

Notwithstanding the foregoing analysis, I have refrained from listing respondent's name in this Order, in observation of respondent's request.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion to Re-open Case in Order to Grant Respondent John Doe Status is denied.

David K. Tochen General Counsel

¹ In addition, the Federal Records Act requires the Board's retention of final agency decisions. <u>See</u> 44 U.S.C. §§ 3101-3107. As a result, in addition to maintaining an online database of final Opinions and Orders the Board issues, the NTSB also sends, on a periodic basis, paper files containing the decisions to a storage facility maintained by the National Archives and Records Administration (NARA). The NTSB's compliance with 5 U.S.C. § 552(a), as well as the Federal Records Act and its associated NARA regulations, is dependent upon retention of the existing final Board decision.